

### REMARKS

This application has been carefully reviewed in light of the Office Action dated October 20, 2008. Claims 1, 7, 8, 10, 16, 22, 23 and 25 remain pending in the application, with Claims 2 to 6 and 17 to 21 having been canceled. Claims 1 and 16 are the independent claims. Reconsideration and further examination are respectfully requested.

Claims 1 to 8, 10, 16 to 23 and 25 were rejected under 35 U.S.C. § 103(a) over U.S. Publication No. 2003/0002862 (Rodriguez) in view of U.S. Publication No. 2008/0077960 (Griggs) and further in view of U.S. Publication No. 2004/0083301 (Murase). Reconsideration and withdrawal of the rejections are respectfully requested.

The present invention concerns a receiving apparatus, such as a digital television that receives and displays a list for selecting streaming audio and video content data. In the invention, the receiving apparatus receives content list data that includes a content name for each of a plurality of receivable contents. The receiving apparatus generates a content list based on the received content list data to display the content name of each of the receivable contents data in a list format. In addition, the receiving apparatus generates rank information indicating a time period from selection of the content until start of viewing of the content. In generating the rank information, the receiving apparatus measures a first time period from the selection of the content until actually receiving the content, and a second time period until enough content data has been buffered to decode the data, and stopping of receiving the content. The rank information is generated according to a total time of the first and second time periods and a transmission rate of the content data.

Referring specifically to the claims, amended independent Claim 1 is directed to a receiving apparatus comprising a reception unit constructed to receive content data and content list data via a network, the content list data including information, which includes a content name, for specifying each of a plurality of receivable contents data on the receiving apparatus, a content processing unit constructed to process the content data received by the reception unit to generate video and audio data, a generating unit constructed to generate a content list based on the content list data received by the reception unit, for displaying the content name of each of the plurality of receivable contents data in a list format, an output unit constructed to output the content list generated by the generating unit, and the video and audio data to a display apparatus, and a control unit constructed to generate rank information indicating a time period from a selection of the content in the content list by a user until a start of viewing the content, wherein the control unit controls to measure a first time period from the selecting of each of a plurality of contents data to be received until a start of actually receiving the selected content data, and a second time period until meeting a capacity capable of starting to decode of the received content data, and controlling to stop the receiving of the content data, and generates the rank information of each of the contents included in the content list, according to a total time of the measured first and second time periods and a transmission rate of the content data, and wherein the generating unit generates the content list which displays the rank information of each content data to the content name of each content data.

Claim 16 is a method claim that substantially corresponds to Claim 1.

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of Claims 1 and 16, and in particular, is not seen to

disclose or to suggest at least the features of a control unit/step generating rank information indicating a time period from a selection of the content in the content list by a user until a start of viewing the content, wherein the control unit/step controls to measure a first time period from the selecting of each of a plurality of contents data to be received until a start of actually receiving the selected content data, and a second time period until meeting a capacity capable of starting to decode of the received content data, and controlling to stop the receiving of the content data, and generates the rank information of each of the contents included in the content list, according to a total time of the measured first and second time periods and a transmission rate of the content data.

Rodriguez is seen to disclose a system for downloading recordable media content at one of a plurality of various download times for purchase of the content. Rodriguez includes an interactive guide that displays the names of programs and the times that the programs would normally be broadcast. The system also includes a video-on-demand (VOD) catalog in which the user can browse various video contents to be purchased. When an item is selected, various download times to start downloading and the price for each download may vary depending on the start time of the download. However, Rodriguez is not seen to teach the features of a control unit/step generating rank information indicating a time period from a selection of the content in the content list by a user until a start of viewing the content, wherein the control unit/step controls to measure a first time period from the selecting of each of a plurality of contents data to be received until a start of actually receiving the selected content data, and a second time period until meeting a capacity capable of starting to decode of the received content data, and controlling to stop the receiving of the content data, and generates the rank information of

each of the contents included in the content list, according to a total time of the measured first and second time periods and a transmission rate of the content data.

Griggs is seen to disclose an electronic program guide that displays content and program viewing times (e.g., 1:00 p.m. - 1:30 p.m. for Show A). The guide can also display download times for on-demand programs. However, Griggs, like Rodriguez, is not seen to disclose or to suggest the features of a control unit/step generating rank information indicating a time period from a selection of the content in the content list by a user until a start of viewing the content, wherein the control unit/step controls to measure a first time period from the selecting of each of a plurality of contents data to be received until a start of actually receiving the selected content data, and a second time period until meeting a capacity capable of starting to decode of the received content data, and controlling to stop the receiving of the content data, and generates the rank information of each of the contents included in the content list, according to a total time of the measured first and second time periods and a transmission rate of the content data.

Murase is not seen to disclose anything that, when combined with Rodriguez and/or Griggs, would have made up for the foregoing deficiencies. In this regard, Murase is directed to a system for delivery and reproduction of continuous streams of video and/or audio data. In Murase, multiple streams of data are sent by a server to a client terminal. The client terminal can immediately start reproduction of the first stream, while the second stream is received and decompressed. In this manner, the second stream can be continuously received and reproduced after completion of reproduction of the first stream without any interruption. The same processes are repeated for a third and subsequent streams. However, Murase is not seen to teach the features of the invention,

and specifically, is not seen to teach anything that, when combined with Rodriguez and/or Griggs, would have resulted in the features of the features of a control unit/step generating rank information indicating a time period from a selection of the content in the content list by a user until a start of viewing the content, wherein the control unit/step controls to measure a first time period from the selecting of each of a plurality of contents data to be received until a start of actually receiving the selected content data, and a second time period until meeting a capacity capable of starting to decode of the received content data, and controlling to stop the receiving of the content data, and generates the rank information of each of the contents included in the content list, according to a total time of the measured first and second time periods and a transmission rate of the content data.

In view of the foregoing amendments and remarks, independent Claims 1 and 16, as well as the claims dependent therefrom, are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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